IN THE HIGH COURT OF UTTARANCHAL At NAINITAL

Second Appeal No. 87 of 2003

Rameshwar Prasad S/o Sri Heera Lal,
And another ... Appellants.

Versus

ADJ/FTC-IV, Dehradun,
and another .... Respondents

.....

Hon'ble P.C.Verma, J.

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This Second Appeal has been field by the appellants challenging the judgment/decree-dated 29.09.2003 passed by Additional District Judge/IV F.T.C., Dehradun in Civil Appeal No. 200 of 2001.

Brief facts giving rise to the present appeal are that Original Suit No. 336 of 1997 was instituted by the plaintiff /appellants for permanent injunction restraining the defendant to open the door which opens towards the land of the plaintiffs. It is further stated that the defendant is using unauthorisedly the property of the plaintiff/appellants. The defendant/respondent No. 2 filed his written statement putting his counter claim. The defendant denied the facts narrated in the plaint and claimed that the door in question is his property.

On the basis of the pleadings of the parties the trial court framed issues and adduced evidence of the plaintiffs as well as the defendant/respondent. After considering the evidence on record the trial court decreed the suit. Aggrieved by the judgment and decree, the defendant has field the appeal, which was allowed by the Addl. District Judge and set-aside the judgment and decree.

Heard Sri B.P. Nautiyal, learned counsel for the appellants and perused the judgment passed by the Appellate Court.

The Trial Court has decreed the suit but cogent reasons have not been recorded in the judgment. The Appellate Court has accepted the appeal and dismissed the Suit filed by the plaintiff. In my opinion, no substantial question of law arises in this second Appeal to be decided by the Court.

The second appeal is dismissed. No order as to costs.

(P.C. Verma, J.)

December 2,2003:
NCM: